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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/162,825 09/29/98 BOE

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BAKER & BOTTS
2001 ROSS AVENUE
DALLAS TX 75201-2980

EXAMINER

TESFAMARIAM, M

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

05/10/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/162,825

Applicant(s)

Barbara J. Boe, et al.

Examiner
Mussie Tesfamariam

Group Art Unit
2764



☒ Responsive to communication(s) filed on Feb 25, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-28 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) 1-23 and 26-28 is/are allowed.

☒ Claim(s) 24-25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 24 ²⁴ is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson et al, 5974398 in view of Frost, 5041972.

As per claim 24, ²⁴ Hanson et al disclose in Hanson et al disclose in an on line interaction. See the abstract, fig 3, items 318, fig 4, fig 5. Hanson et al also disclose in providing a user with request. See fig 13, item 1110, col 3, lines 13-15. Hanson et al also disclose in customer profile database. See col 4, lines 14, 24-34. Hanson et al also disclose in providing the customer with options to

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adjust the customer's actual demographic information. See fig 2, col 5, lines 63-67. However, Hanson et al fail to disclose in a probability associated with at least one customer regarding the likelihood that the customer will purchase a specific product or service. Frost disclose in a probability associated with at least one customer regarding the likelihood that the customer will purchase a specific product or service. See col 8, lines 60-67, col 9, lines 35-37. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hanson's system such that it will also use probability method. This is because it would improve Hanson's system to have probability integrity.

Allowable Subject Matter

3. Claims 1-23, ~~26~~-28 are allowed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mussie Tesfamariam** whose telephone number is **(703)305-1393**. The examiner can normally be reached on Monday - Friday from 8:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the **examiner's supervisor, Jim Trammell** can be reached at **(703) 305-9768**.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)308-9051, (for formal communications intended for entry)

Or:

(703)308-5357, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal park II, 2121 Crystal Drive**

Arlington, Virginia, (Receptionist).

Mussie Tesfamariam

May 8, 2000


James P. Trammell
Supervisory Patent Examiner
Technology Center 2700